

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 21, 2005

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., Rothschild, J. and S. Beaux,
Deputy Clerk.

Each of the following:

B168424	People v. Martinez
B173360	Motyczka v. Pessamoza
B173819	People v. Juarez
B174483	People v. Eynon
B175482	People v. Morales
B175710	People v. Evans
B175755	People v. Lloyd
B176069	People v. Alfaro
B176776	People v. Dent
B176867	People v. Alamouti
B176961	People v. Miksis
B178495	People v. Hart
B178563	DCFS v. Jala W.
B178615	DCFS v. Elizabeth G.
B179255	DCFS v. Marcella G.
B182021	Patricia D. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

B175122	People
	v.
	Montanez, Jr.

Merits:

Argued by Joanna Rehm for appellant and by Steven E. Mercer, Deputy
Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B175818 Esposito et al.
 v.
 County of Los Angeles

Merits:
Argued by Henry P. Nelson for respondent and there being no appearance
for appellant. Cause submitted.

B174381 People
 v.
 Cole

Merits:
Argued by Philip K. Cohen for appellant and by Carl N. Henry, Deputy
Attorney General, for respondent. Cause submitted.

Mallano, J., leaves the bench.

B173287 Lewis-Deblazzi
 v.
 City of Burbank

Merits:
Argued by Carolyn A. Barnes for appellant and by Ronald I. Goldszer for
respondent. Cause submitted.

Mallano, J., returns to the bench.

B173699 People
 v.
 Ware, Jr.

Merits:
Argued by Leonard J. Klaif for appellant and by Erin M. Pitman, Deputy
Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B175888 People
 v.
 Castellanos

Merits:
Argued by Kevin D. Sheehy for appellant and by David Wildman, Deputy Attorney General, for respondent. Cause submitted.

Mallano, J., leaves the bench.

B177738 Johnson
 v.
 Reddick

Merits:
Argued by Bruce Benjamin for appellant and by Michael L. Emling for respondent. Cause submitted.

Mallano, J., returns to the bench.

Rothschild, J., leaves the bench.

B178724 Los Angeles County, D.C.S.
 v.
 Hector V. & Cynthia R.

Merits:
Argued by Pamela R. Tripp for appellant Cynthia R., by Michael A. Salazar for appellant Hector V. and by Jerry Custis, Deputy County Counsel, for respondent. Cause submitted.

B169059 People
 v.
 Jackson

Merits:
Argued by David J. Macher for appellant and by Steven E. Mercer, Deputy Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B176460 Ellis
B178998 v.
Kingston et al.

Merits:

Argued by Laurence S. Klugman for appellants and by Malcom G. Ellis for respondent. Cause submitted.

B168723 Frank Beardsley
v.
Transamerica Corp., et al.

Merits:

Argued by Stephen S. Talt for appellant and by Christina J. Imre for respondents. Cause submitted.

Mallano, J., returns to the bench.

Vogel, J., leaves the bench.

B170163 Scottsdale Insurance Company
v.
State Farm Mutual Automobile Insurance et al.

Merits:

Argued by Alan B. Yuter for appellant and by Peter Senuty for respondent State Farm and by Jeffrey Miller for respondent Commercial Underwriters Insurance. Cause submitted.

Court recessed at 11:59 a.m.

Court reconvened at 12:04 p.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Rothschild, J. and S. Beaux, Deputy Clerk.

DIVISION ONE (Continued)

B176737 Caruso Affiliated Holdings, LLC
v.
General Growth Properties, Inc. et al.

Merits:

Argued by Wayne W. Smith for appellant/respondent General Growth Properties Inc., by Ralph W. Tarr for respondent/appellant NY State Common and by Gregory R. Smith and Henry Shields, Jr. for respondent/appellant Caruso Affiliated Holdings, Inc.. Cause submitted.

Court adjourned.

B166784 People (Not for Publication)
v.
Joseph Evan Robinson

The judgment is affirmed. On the petition for habeas corpus, an order to show cause shall issue, returnable in the trial court and directing that court to appoint counsel to represent Robinson and, as soon thereafter as reasonably possible, hold an evidentiary hearing to determine (1) whether there was *Brady* error; (2) whether Robinson was denied the effective assistance of counsel regarding the victims' prostitution activity and their relationship to each other; and (3) if there was *Brady* error or inadequate representation, whether it is reasonably probable that Robinson might have obtained a more favorable result at trial. If there was prejudicial error, the trial court shall grant Robinson's petition for habeas corpus and the case shall be re-tried; if not, the petition shall be denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

June 21, 2005 (Continued)

DIVISION ONE (Continued)

B180845 People (Not for Publication)
v.
Antonio Cruz

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION TWO

[illegible]

The Court:

The matter is remanded for resentencing, including imposition of the firearm enhancement in count 2. In all other respects, the judgment is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Nott, J. (Assigned)

B175367 A.G. (Not for Publication)
v.
D.W.

We reverse the judgment of dismissal and remand to the trial court with instructions to permit A.G. to amend her petition to seek a determination of presumed parent status pursuant to section 7611, subdivision (d) in order to obtain visitation. Appellant shall receive costs on appeal.

Nott, J. (Assigned)

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

June 21, 2005 (Continued)

DIVISION FOUR

B181239 Larry C., (Not for Publication)
v.
Superior Court, Los Angeles County
(L.A. County Department of Children & Family Services, r.p.i.)

The petition is denied. The juvenile court is ordered to proceed with a section 366.26 hearing.

Hastings, Acting P.J.

We concur: Curry, J.
Willhite, J.

[illegible]

The judgment is affirmed.

Hastings, Acting P.J.

We concur: Curry, J.
Willhite, J.

B176513 Beutler (Not for Publication)
v.
Walt Disney Studios et al.,

The judgment is affirmed.

Hastings, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FOUR (Continued)

B175173 North Beverly Park Homeowners Assoc. (Not for Publication)
 v.
 Bisno, et al.,

For the foregoing reasons, the judgment is affirmed. The Association is entitled to its costs on appeal.

Willhite, J.

We concur: Epstein, P.J.
 Curry, J.

B176255 Nakada, et al., (Not for Publication)
 v.
 De La Flor, et al.,

The judgment is affirmed and the trial court is directed to determine, in addition to costs, the amount of attorney fees on appeal to which Francesca de la Flor and Roy Aldridge are entitled.

Willhite, J.

We concur: Hastings, Acting P.J.
 Curry, J.

DIVISION FIVE

B180287 Los Angeles County, D.C.S.
 v.
 Mabel V.
 In re Tyler V.

Filed order dismissing appeal. Appeal (notice of appeal filed January 5, 2005) dismissed.

June 21, 2005 (Continued)

DIVISION SIX

B177276 People (Not for Publication)
v.
Brooks

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B179382 People (Not for Publication)
v.
Lantz

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B183572 Skinner
v.
Skinner

Filed order dismissing appeal on court's own motion. Appeal (notice of appeal filed 5-25-05) dismissed.

B183574 Skinner
v.
Skinner

Filed order dismissing appeal on court's own motion. Appeal (notice of appeal filed 5-25-05) dismissed.

DIVISION SEVEN

Each of the following:

B164617	Brass v. County of Los Angeles
B160577	Baker v. County of Los Angeles
B173040	People v. Jones
B177025	People v. Chaney
B172326	People v. Torres
B174908	People v. Rodriguez
B173008	Lu v. Grewal

Filed submission order.

DIVISION EIGHT

B170613	Margaret Jean McBride et al.,	(Certified for Partial Publication)
	v.	
	The Board Of Accountancy Of The State Of California	

The judgment is affirmed. Respondent is to recover its costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
Boland, J.

B173689	People	(Not for Publication)
	v.	
	Garcia	

The jury's finding that a deadly and dangerous weapon was used pursuant to section 12022, subdivision (b)(1), is stricken, as is the one-year sentence imposed for that allegation. As modified the judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.